

UNITED STATES DISTRICT COURT IN CLERKS OFFICE
FOR THE DISTRICT OF MASSACHUSETTS

FILED
2004 JUN -8 P 3:35

INTAC INTERNATIONAL, INC.,)
Plaintiff)
v.)
A CORP d/b/a ROOTERMAN and)
DONALD MACDONALD,)
Defendants)

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION NO.
04-10040 REK

APPENDIX OF EXHIBITS SUBMITTED BY DEFENDANTS
A CORP D/B/A ROOTERMAN AND DONALD MACDONALD

Pursuant to Federal Local Rule 56.1, the Defendants A Corp d/b/a Rooterman ("A Corp") and Donald MacDonald ("MacDonald") hereby submit the following appendix of exhibits in support of their Motion for Summary Judgment.

1. The list of business management software searched by Eugene Dundey ("Dundey"), a full time consultant of A Corp in early 1998.
2. A letter of March 13, 1998 from Plaintiff to A Corp, addressed to Dundey, with literature introducing Plaintiff's INTAC software.
3. The order/registration form for Wintac *standard*, dated September 18, 1998.
4. The order form, filled out by A Corp, for Wintac™ 2.1 multi-user network edition for \$399, dated April 8, 1999.
5. The order form for Wintac™ 2.1 multi-user network edition modified by Plaintiff, showing Plaintiff circled price of \$199 for single-user edition.

6. The order/register form for Wintac™ multi-user network edition provided by Plaintiff charging \$1,499 for the software on May 27, 1999, acknowledging the credit of \$199.
7. Plaintiff's marketing materials describing an upgraded multi-user network version of its computer software as it "installs on unlimited computers at no additional charge!"
8. The order form of Wintac™ 2001 multi-user network version for \$499, where Plaintiff advertised that the multi-user network versions have the capacity to transfer customer data to and from "mobile computers used in the field."
9. Record from the Copyright Office showing the only item Plaintiff registered for copyright is Wintac *pro 2.1*, which was registered in April, 1999.
10. Plaintiff's online advertisement describing its customers and prospective customers as contactors in the business of: plumbing, heating, air conditioning, refrigeration, electrical, cabling, roofing, landscaping, lawn care, pest control, drain cleaning, carpet cleaning, office cleaning, snow removal, appliance repair, painting, masonry, floor covering, wall covering, security & alarms, pool & spa, and more.
11. The order form of Wintac™ Pro 2002 multi-user network version for \$599 in November, 2001 with license to use it on unlimited number of users.
12. Letters between Plaintiff and A Corp from March, 1998 to September, 2003, addressed to Eugene Dundey, discussing sale of Plaintiff's Wintac software.
13. Letters between Plaintiff and A Corp, addressed to Eugene Dundey, discussing technical problems of Plaintiff's software.
14. Email of January 20, 2000 from Daniel Restivo to Eugene Dundey showing he was willing to assist resale of Plaintiff's software by A Corp.

Respectfully submitted by,
Defendant, A Corp d/b/a Rooterman, and
Defendant Donald MacDonald
By their Attorney,



William H. McCarter, Jr.

BBO # 327620

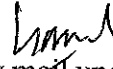
PO Box 1044

Winchester, Massachusetts 01890

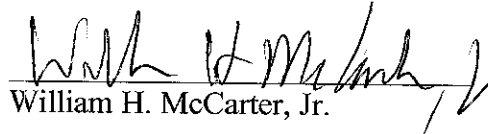
(781) 729-3892

CERTIFICATE OF SERVICE

I certify that a true copy of the above document was served by mail upon the attorney of record for Plaintiff on the date set forth below.



Date: June 7, 2004



William H. McCarter, Jr.